



PRESS RELEASE

Colorado Department of Law
Attorney General John W. Suthers

FOR IMMEDIATE RELEASE

July 10, 2013

CONTACT

Carolyn Tyler
Communications Director
720-508-6553
Carolyn.Tyler@state.co.us

COLORADO ATTORNEY GENERAL STATEMENT ON WITHDRAWAL OF MOTION OF PRELIMINARY INJUNCTION IN GUN LAWSUIT

DENVER—Parties in the case of *Cooke v. Hickenlooper* have reached an agreement to withdraw the plaintiff's motion for preliminary injunction. The parties have agreed to language that the attorney general and governor will provide as technical guidance. At issue was what it means for a magazine to be "designed to be readily convertible" to one in excess of 15 rounds and what it means for a weapon to be in the "continuous possession" of its owner. Specifically, the additional guidance is that:

Magazines with a capacity of 15 or fewer rounds are not large capacity magazines as defined in HB 13-1224 whether or not they have removable base plates. These baseplates themselves do not enable the magazines to be expanded, and they serve functions aside from expansion—notable, they allow the magazines to be cleaned and repaired. To actually convert them to higher capacity, one must purchase additional equipment or permanently alter their operation mechanically. Unless so altered, they are not prohibited.

The phrase "continuous" possession in HB 13-1224 shall be afforded its reasonable, every-day interpretation, which is the fact of having or holding property in one's power or the exercise of dominion over property, that is uninterrupted in time, sequence, substance or extent. "Continuous possession" does not require a large-capacity magazine owner to maintain literally continuous physical possession of the magazine. "Continuous possession" is only lost by a voluntary relinquishment of dominion and control.

The following statement is to be attributed to Attorney General John W. Suthers:

"The Attorney General's Office is pleased with the agreement that provides further clarity for the plaintiffs, gun owners and dealers in Colorado. The agreement is consistent with the reasonable, narrow reading of the statute that we have advocated and it now allows the

court to expeditiously move to consideration of the Second Amendment implications of the statute.

Today's agreement is consistent with our interpretation of the statute and the guidance the Attorney General's Office and the Colorado Department of Public Safety issued pursuant to the governor's direction and, pending final disposition of the case, the statute will be enforced in accordance with the guidance."

#